



**PROBATION AND PAROLE BUREAU  
STANDARD OPERATING PROCEDURES**

|                              |  |
|------------------------------|--|
| Procedure No.: P&P 40-7      | Subject: <b>OFFENDER RECORDS RETENTION &amp; DESTRUCTION</b> |
| Chapter 40: OFFENDER RECORDS | Page 1 of 2  |
| Signature: /s/ Ron Alsbury   | Revision Date: 06/17/02; 03/01/05;<br>08/01/05               |
|                              | Effective Date: 11/19/01                                     |

**I. BUREAU DIRECTIVE:** The Probation and Parole Bureau to retain and destroy adult records according to applicable federal laws, Montana statutes, Administrative Rules of Montana and State of Montana records regulations.

**II. AUTHORITY:**

*53-1-203, MCA. Powers and Duties of Department of Corrections  
DOC 1.5.8 Offender Records Retention and Destruction  
2-6-201 through 2-6-213, and 2-15-1013, MCA. Public Records Management Act  
M.O.M., Volume 1, Chapter 1-0800*

**III. DEFINITIONS:**

**Inactive Offender Record** means a record on an offender who is no longer under the supervision of Adult Parole and Probation or Interstate Compact.

**Electronic Offender Record** means a record that is stored in a computer, floppy disk, or other electronic medium.

**Printed Offender Record** means a paper record that comprises the offender file.

**Destruction** means the act of incinerating or shredding printed records and deleting electronic records in a manner that renders the records permanently irretrievable.

**IV. PROCEDURES:**

**A. Adult Inactive Offender Record Retention**

The Probation and Parole Office in the original sentencing jurisdiction shall retain offender records for five years after the offender has completed his/her sentence. This includes deferred offender records.

**B. Records Storage**

Records shall be stored in locked file cabinets or locked storage rooms that can only be accessed by authorized employees. Electronic records shall be archived and stored in a manner that ensures electronic access is limited to the positions identified as having access to the printed records.

These records shall be available to authorized positions or employees as follows:

- Community Corrections Division Administrators
- Probation and Parole Bureau Chief

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- Regional Administrators/POII'S
- Adult Probation and Parole Officers
- Administrative Support

**D. Inactive Offender Record Destruction**

Records, including deferred offender files, may be destroyed five years after termination or discharge from Bureau supervision. Records destruction shall be permanent and accomplished under direct supervision. Regions may contract to have destruction accomplished or may choose to destroy them within the region. If the region destroys the files, a witness will be present.

**E. Records Retention and Destruction Designee**

Administrative Support shall be assigned the responsibility of records retention and destruction.

**F. Medical Records**

Adult offender medical records that are obtained in the course of probation and parole supervision shall be retained in the same manner as other documents in the field file. Adult offender medical records that are part of incarceration in a state run or contracted correctional facility shall be retained five years and should be kept separate from the offender record at least until the record is considered inactive.

**H. Records Management Bureau Approval To Destroy Records**

A Records Disposal Request form (RM 5) must be completed and sent to the Secretary of State, Records Management Bureau to get approval to destroy any record *other than* offender case files that are covered under a signed blanket record destruction approval that was approved in October of 2000. This must be done whether or not the record is on the Records Management Bureau Retention Schedule.

- V. **CLOSING:** Questions concerning this procedure shall be directed to the Regional Administrator or designee.

**Attachments:**

P&P Records Disposal Authorization



State of Montana  
Secretary of State  
Records Management Bureau

OCT 5 2000

|             |                    |    |   |
|-------------|--------------------|----|---|
| FORM CODE   | RM 5               |    |   |
| AGENCY CODE | 6401               |    |   |
| DATE        | September 19, 2000 |    |   |
| PAGE NUMBER | 1                  | OF | 1 |

### RECORDS DISPOSAL REQUEST

1. Submit white, yellow and pink copies to Records Management Bureau; retain goldenrod copy in agency file.
2. Approved copy will be forwarded to agency by Records Management Bureau.
3. Until schedule numbers are assigned, leave blank; item numbers should be listed consecutively.
4. Use Form RM 5.1 for continuation.

I certify that the record described in this request are not required for the current operation of this agency and are not required to be retained by any statute or schedule of records retention. These records are not subject to further examination by any governmental agency, and any records subject to pending litigation will not be destroyed unless such records have been microfilmed.

|              |                      |                                 |
|--------------|----------------------|---------------------------------|
| SUBMITTED BY | AGENCY               | Department of Corrections       |
|              | PROGRAM              | Probation and Parole Bureau     |
|              | AUTHORIZED SIGNATURE | <i>Mary Fay</i> , Chief         |
|              | PREPARED BY          | Mary Fay, Bureau Chief 444-9529 |
|              | DISPOSAL METHOD      | Shredding                       |

|  | SIGNATURES              | DATE       |
|--|-------------------------|------------|
| FOR THE LEGISLATIVE AUDITOR              | <i>John W. Montoye</i>  | 10/5/00    |
| FOR THE ATTORNEY GENERAL                 | <i>Jammy Beutell</i>    | 10/23/00   |
| FOR THE DIRECTOR HISTORICAL SOCIETY      | <i>Kathryn Otto</i>     | 10-31-2000 |
| FOR THE DIRECTOR DEPT. OF ADMINISTRATION | <i>Audrey S. Hinman</i> | 10/26/00   |
| FOR THE SECRETARY OF STATE               | <i>Dawn G. Keller</i>   | 10-4-00    |

| Item No. | Schedule Reference | Dates (Mo./Yr.) From - To                                    | Cu. Ft. | Description of Records   | Disapproval* |    |    |    |    |  |
|----------|--------------------|--|---------|--|--------------|----|----|----|----|--|
|          |                    |  |         |  | LA           | AG | HS | DA | SS |  |
| 1.       | Agency             | 5 years after Termination or Discharge from P&P supervision. |         | Requesting a <i>Rolling Disposal</i> for State-wide Adult Offender Case Files that have met their 5-year retention period. These file expire monthly and require shredding.<br><br><i>OK per agency schedule</i> |              |    |    |    |    |  |

RM 5 Rev. 3/98 \*Line item approval indicated unless noted in this column. If disapproved, refer to attached "Exception Report"